

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John E. Jones *et al.*

Customer No. 41230

Application No. 10/669,787

Confirmation No. 6413

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Examiner: James A. Vezeris

**FIFTH INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §§1.97 and 1.98**

COMMISSIONER FOR PATENTS – via EFS
Alexandria, VA 22313-1450

Dear Commissioner:

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Fifth Information Disclosure Statement be entered and the references listed on attached Form PTO-1449 be considered by the Examiner and made of record.

This application claims priority to U.S. Patent Application No. 60/413,387, filed September 25, 2002, the disclosure of which is hereby incorporated by reference.

In accordance with 37 C.F.R. §§ 1.97(g),(h), this Fifth Information Disclosure Statement is not to be construed as a representation that a search has been made, and is not to be construed to be an admission that the information disclosed is, or is considered to be, prior art with respect to the present application or material to patentability as defined in 37 C.F.R. § 1.56.

This Fifth Information Disclosure statement is being submitted before a first Office action on the merits following the earlier filing of a Request for Continued Examination (“RCE”). Thus, it is believed that no fees are due. However, should any fees be required (except for payment of the issue fee), or credits be due, the Commissioner is authorized to deduct the fees from or credit the overpayment to Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247171-000381USPT.

Dated: August 18, 2010

Respectfully submitted,

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